

SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

EDWARD & LYNNE BORLIN, DAVID &  
PAMELA KNUTSEN, NOLAN BERLIN &  
MILLICENT SWIETZER; and KEVIN & JENNY  
WELCH,

Plaintiffs,

v.

PREDATORS OF THE HEART, a Washington  
nonprofit corporation, ASHLEY CARR, DENISE  
COLEBURN, and WILLIAM COLEBURN,  
Defendants.

NO. 22-2-00526-29

ANSWER OF DEFENDANTS-  
PREDATORS OF THE HEART, ASHLEY  
CARR, AND DENISE COLEBURN

Defendants – Predators of the Heart (**POTH**), Ashley Carr, and Denise Coleburn – answer  
Plaintiffs’ complaint as follows:

**I. INTRODUCTION**

Plaintiffs open their complaint with a generalized introduction of its case. Specific  
allegations are not alleged against Ashley Carr or Denise Coleburn, and therefore those  
defendants deny Plaintiffs’ introduction in its entirety.

POTH admits it host educational tours through Airbnb to allow visitors to experience  
interactions with wolfdogs. There are no other interactions with other animals. The remaining  
allegations are denied. No wolves or other POTH animals escaped in June 2022.

**II. PARTIES**

1. Defendants lack sufficient information to form a belief as to the truth or falsity of the  
allegations contained in paragraph 1 of Plaintiff’s Complaint and therefore deny the allegations  
contained therein.

1       2. Defendants lack sufficient information to form a belief as to the truth or falsity of the  
2       allegations contained in paragraph 2 of Plaintiff's Complaint and therefore deny the allegations  
3       contained therein.

4       3. Defendants lack sufficient information to form a belief as to the truth or falsity of the  
5       allegations contained in paragraph 3 of Plaintiff's Complaint and therefore deny the allegations  
6       contained therein.

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8       4. Defendants lack sufficient information to form a belief as to the truth or falsity of the  
9       allegations contained in paragraph 4 of Plaintiff's Complaint and therefore deny the allegations  
10      contained therein.

11      5. Paragraph 5 of Plaintiffs' Complaint is Admitted.

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13      6. Defendants admit Ashley Carr is a resident of Skagit County, the remaining allegations  
14      are denied.

15      7. Defendants admit Denise Coleburn is a resident of Skagit County. The remaining  
16      allegations are denied.

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18      8. Defendants admit the first sentence in paragraph 8 of Plaintiffs' complaint. Defendants  
19      deny the second sentence of paragraph 8 of Plaintiffs' Complaint.

20                   **III.    JURISDICTION AND VENUE**

21      9. Paragraph 9 of Plaintiffs' Complaint is Admitted.

22  
23      10. Paragraph 9 of Plaintiffs' Complaint is Admitted.

#### IV. FACTUAL BACKGROUND

11. Defendants POTH provides educational tours, except as admitted the allegations contained in paragraph 11 of Plaintiffs' Complaint are denied.

12. Defendant POTH admits that it posts on social media, animals that are located on the property and makes efforts to keep such postings accurate and Complete. However, POTH further admits that the number of animals present at POTH fluctuates (sometimes on a daily basis) because of work with law enforcement and rescued animals. Defendant POTH further admits that attached Exhibit "A" is a copy of the Special Use Permit for Poth the terms of which speak for themselves. Except as admitted the allegations contained in paragraph 12 of Plaintiffs' Complaint is denied.

13. POTH admits that attached as Exhibit "B" to Plaintiffs' Complaint is a copy of an Airbnb listing that was posted for the POTH facility which terms speak for themselves. Defendant POTH further admits that it offers educational tours as part of its nonprofit purpose. Except as admitted, the allegations in paragraph 13 of Plaintiffs' Complaint are denied.

14. Defendant POTH Admits that under certain circumstances the allegations contained in paragraph 14 of Plaintiffs' Complaint are admitted. Except as admitted, the allegations contained in paragraph 14 of Plaintiffs' Complaint are denied.

15. Defendants lack sufficient information to form a belief as to the truth or falsity of the allegations contained in paragraph 15 of Plaintiffs' Complaint therefore the allegations are denied. Plaintiff admits that Exhibit "C" was a copy of a posted review.

16. Paragraph 16 of Plaintiffs' Complaint is Denied.

17. Paragraph 17 of Plaintiffs' Complaint is Admitted.

18. Paragraph 18 of Plaintiffs' Complaint is Denied.

1 19. In answer to paragraph 19 of Plaintiffs' Complaint is Denied in part. Defendant POTH  
2 admits that limited tours through AirBnB have occurred due to contractual obligations in 2022.  
3 There are no tours currently pending nor tours occurring at POTH presently. Except as admitted,  
4 paragraph 19 is denied.

5 20. Defendants lack sufficient information to form a belief as to the truth or falsity of the  
6 allegations contained in paragraph 20 of Plaintiffs' Complaint therefore these allegations are  
7 denied.  
8

9 21. Paragraph 21 of Plaintiffs' Complaint is Denied.

10 22. Paragraph 22 of Plaintiffs' Complaint is Admitted.  
11

12 23. As stated by Plaintiffs in its paragraph 22, the Property is zoned as a "rural reserve."  
13 Therefore, Defendants deny the Property is located in a quiet residential neighborhood.  
14 Defendants deny that the single-family residences are located in "close proximity" to Defendant  
15 POTH's property.

16 24. In answer to paragraph 24 of Plaintiffs' Complaint, Defendants Admit that the adjoining  
17 property to POTH on the north contains Community Forest Lands used by the general public for  
18 outdoor activities. Except as admitted, denied.  
19

20 25. Paragraph 25 of Plaintiffs' Complaint is Admitted.

21 26. Paragraph 26 of Plaintiffs' Complaint is Admitted.  
22

23 27. Paragraph 27 requests a legal conclusion and would require a legal analysis. To the extent  
24 the allegation is factually based, Defendants lack sufficient information to form a belief as to the  
25 truth or falsity of the assertion therefore it is denied.  
26

1       28. In answer to paragraph 28 of Plaintiffs' Complaint, Defendants Admit in part; deny in  
2 part. Defendants had previously applied for a Special Use Permit, but were informed that a permit  
3 was not required because Defendant was not technically "open to the public." As a result, the  
4 permit application was withdrawn and the payment was refunded to the Defendants by the  
5 County. In 2022, Skagit County requested that Defendant Predators of the Heart apply for a  
6 Special Use Permit, which it has done.

7       29. Paragraph 29 of Plaintiffs' Complaint is Admitted.  
8

9       30. Paragraph 30 of Plaintiffs' Complaint is Admitted.

10       31. In answer to Paragraph 31 of Plaintiffs' Complaint, Defendant POTH admits that as of the  
11 date of the Complaint filing, the application for the Special Use permit has not been granted.  
12

13       32. Paragraph 32 of Plaintiffs' Complaint is denied in that the County didn't request or  
14 requires to cease all operations. Defendant POTH admits that it has continued to operate in the  
15 caretaking of the rescued animals and with law enforcement authorities.

16       33. Paragraph 33 of Plaintiffs' Complaint is Denied.  
17

18       34. In answer to paragraph 34 of Plaintiffs' Complaint, Defendants admit Plaintiffs'  
19 complaint included an Exhibit E. The remaining allegations are denied for lack of information.  
20 Defendant POTH denies any escapes as referenced had occurred.

21       35. In answer to paragraph 35 of Plaintiffs' Complaint, Defendants lack sufficient information  
22 to form a belief of the truth or falsity of the allegations contained therein there for the allegations  
23 are denied.  
24

25       36. In answer to paragraph 36 of Plaintiffs' Complaint, Defendants admit Plaintiffs'  
26 complaint included an Exhibit F and that document speaks for itself. The remaining allegations  
27 are denied based upon a lack of information.

1       37. In answer to paragraph 37 of Plaintiffs' Complaint, Defendants lack sufficient information  
2 to form a belief as to the truth or falsity of the allegations contained therein so said allegations are  
3 denied.

4       38. In answer to paragraph 38 of Plaintiffs' Complaint, Defendants lack sufficient information  
5 to form a belief as to the truth or falsity of the allegations contained therein so said allegations are  
6 denied. Defendant POTH expressly denies any of the sighting and in particular the alleged  
7 sighting in June of 2022 was of any POTH animal.

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9       39. In answer to paragraph 39 of Plaintiffs' Complaint, Defendant POTH admits that safety is  
10 its chief consideration. With respect to the balance of the allegations, Defendants lack sufficient  
11 information to form a belief as to the truth or falsity of the allegations contained therein so said  
12 allegations are denied.

13       40. In answer to paragraph 40 of Plaintiffs' Complaint, Defendants lack sufficient  
14 information to form a belief as to the truth or falsity of the allegations contained therein so said  
15 allegations are denied.

16  
17       41. In answer to paragraph 41 of Plaintiffs' Complaint, Defendants lack sufficient information  
18 to form a belief as to the truth or falsity of the allegations contained therein so said allegations are  
19 denied.

20       42. In answer to paragraph 42 of Plaintiffs' Complaint, Defendant POTH admits that the  
21 terms of the referenced permit speak for themselves and that there are no employees on the  
22 property during the referenced houses. Except as admitted, the allegations contained in paragraph  
23 42 are denied.

24  
25       43. In answer to paragraph 43 of Plaintiffs' Complaint, Defendants admit that the terms of the  
26 Special Permit Application speak for themselves and state what they state. Except as admitted  
27 these allegations are denied.

1 44. Paragraph 44 of Plaintiffs' Complaint is Denied.

2 45. Paragraph 45 of Plaintiffs' Complaint is Denied.

3  
4 46. In answer to paragraph 46 of Plaintiffs' Complaint, Defendants lack sufficient information  
5 to form a belief as to the truth or falsity of the allegations contained therein so said allegations are  
6 denied.

7  
8 47. In answer to paragraph 47 of Plaintiffs' Complaint, Defendants lack sufficient information  
9 to form a belief as to the truth or falsity of the allegations contained therein so said allegations are  
10 denied.

11 48. In answer to paragraph 48 pf Plaintiffs' Complaint, Defendants admit that there has been  
12 one escape that resulted in the death of an off-leash dog that instigated the attack; and deny any  
13 misrepresentations were made.

14 49. In answer to paragraph 49 of Plaintiffs' Complaint, Defendants lack sufficient information  
15 to form a belief as to the truth or falsity of the allegations contained therein so said allegations are  
16 denied.

17  
18 50. Paragraph 50 of Plaintiffs' Complaint is Denied.

19 51. Paragraph 51 of Plaintiffs' Complaint is Denied.

20  
21 52. Paragraph 52 of Plaintiffs' Complaint is admitted to the extent that Exhibit "G" contains  
22 the allegations contained therein.

23 53. Paragraph 53 of Plaintiffs' Complaint is denied.

24  
25 54. In answer to paragraph 54 of Plaintiffs' Complaint, Defendants lack sufficient information  
26 to form a belief as to the truth or falsity of the allegations contained therein so said allegations are  
27 denied.

1 55. In answer to Paragraph 55 of Plaintiff's Complaint, to the extent concerns have been  
2 raised, Defendants deny that no action has been taken.

3 56. In answer to paragraph 56 of Plaintiffs' Complaint defendants admit that Exhibit "H" was  
4 forwarded the terms of which speak for themselves. Except as admitted, denied.  
5

6 57. Paragraph 57 of Plaintiffs' Complaint is denied.

7 58. Paragraph 58 of Plaintiffs' Complaint doesn't contain factual allegations requiring an  
8 admission or a denial, to the extent such allegations are inferred they are denied.  
9

10 59. Paragraphs 59,60, 61, 62 ,63,64 and 65 of Plaintiffs' Complaint, do not contain factual  
11 allegations requiring an admission or a denial. To the extent that such paragraphs reference  
12 statute/rules, the terms of such statutes/rules speak for themselves, Defendant POTH denies  
13 violating any such statutes and/or rules.

14 66. Paragraph 66 of Plaintiff's Complaint is denied.  
15

16 67. Paragraph 67 of Plaintiff's Complaint is denied.

17 68. Paragraph 68 of Plaintiff's Complaint is denied.  
18

19 69. Paragraph 69 of Plaintiff's Complaint is denied.

20 70. Paragraph 70 of Plaintiff's Complaint is denied.  
21

22 71. Paragraph 71 of Plaintiffs' Complaint doesn't contain factual allegations requiring an  
23 admission or a denial, to the extent such allegations are inferred they are denied.

24 72. Paragraph 72 of Plaintiff's Complaint is denied.  
25

26 73. Paragraph 73 of Plaintiff's Complaint is denied.  
27

1 74. Paragraph 74 of Plaintiff's Complaint is denied.

2  
3 75. Any factual allegations contained in Plaintiffs' Complaint not expressly admitted above  
4 are hereby denied in their entirety. By way of further answer and affirmative defense, Plaintiffs'  
5 claims or some of them may be barred by the following affirmative defenses unclean hands;  
6 coming to the nuisance; failure to mitigate damages; assumption of the risk; fault of third parties;  
7 failure to state a claim upon which relief may be granted.

8 Wherefore, Defendants having answered Plaintiffs' Complaint in its entirety pray to this Court  
9 for the following relief:

- 10 A. Dismissal of Plaintiffs' Claims in their entirety with prejudice;  
11  
12 B. For an award of Defendants' reasonable attorneys' fees and costs incurred per  
13 statute or applicable Court rule; and  
14  
15 C. For such other further relief as this court deems just and equitable.

16 DATED this September 9, 2022

17 OSERAN HAHN P.S.

18 By: *s/ Caleb M. Stewart*

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